

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: John B. Harley and Judith A. James

Serial No.: Divisional of 10/012,756

Express Mail Label  
No. EL 717 747 992 US

Filed: June 27, 2003

Date of Deposit: June 27, 2003

For: *DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS  
IN AUTOIMMUNE DISORDERS*

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR FILING A DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Diagnostics and Therapy of Epstein-Barr Virus in Autoimmune Disorders*". This application is a divisional of pending prior application Serial No. 10/012,756 filed October 24, 2001, entitled "*Diagnostics and Therapy of Epstein-Barr Virus in Autoimmune Disorders*", by John B. Harley and Judith A. James, which is a divisional of Serial No. 08/781,296 filed January 13, 1997, which claims the benefit of U.S. Provisional Application No. 60/019,053 filed May 16, 1996.

**No priority claim is made to Serial No. 08/160,604 filed November 30, 1993, now U.S. Patent No. 6,232,522.** The application includes 1 page of abstract, 50 pages of

specification, 5 pages of claims, 11 sheets of formal drawings, and a copy of the executed Declaration for Patent Application from prior application Serial No. 10/012,756.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 10/012,756, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 10/012,756.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please amend the application in accordance with the Preliminary Amendment.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R. § 1.821-1.825. The sequence listing for the new application is identical to the sequence listing for Serial No. 08/781,296 filed January 13, 1997 by John B. Harley and Judith A. James. Sequence listings in computer readable form were submitted in application Serial No. 08/781,296 on October 22, 1997. No subsequent sequence listing was submitted. Accordingly, pursuant to 37 C.F.R. § 1.821(e), applicants hereby request that the computer readable form of the sequence listing submitted in application Serial No. 08/781,296 on October 22, 1997, be used as the computer readable form of the sequence listing for the new application. The application has a paper copy of the Sequence Listing incorporated therein.

I declare that the material in the prior sequence listing is identical to the paper copy of the Sequence Listing present in the new application, that the Sequence Listing does not add new

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matter to the application, and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Enclosed from prior application Serial No. 10/012,756 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers ; (b) Statement Under 37 CFR §3.73(b); and (c) Assignment of rights from John B. Harley and Judith A. James to Oklahoma Medical Research Foundation.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed are checks in the amounts of \$375.00 and \$162.00 to be applied to the filing fee of \$555.00 for a small entity; the Commissioner is hereby authorized to charge an additional \$18.00 to Deposit Account No. 50-1868. It is believed that \$555.00 is the proper filing fee since the application includes 6 independent claims and a total of 26 claims upon entry of the enclosed Preliminary Amendment.

The Commissioner is further authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.


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All correspondence concerning this application should be mailed to:

Customer No. 23579  
Patrea L. Pabst, Esq.  
HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, GA 30309-3400

This application is being filed on June 27, 2003, by mailing the application to  
MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee"  
Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this  
paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,

  
\_\_\_\_\_  
Patrea L. Pabst  
Reg. No. 31,284

Date: June 27, 2003

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, June 27, 2003, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 747 992 US, addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Pam Turnbough

Date: June 27, 2003

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